

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROY CLARENCE ROGERS,

Plaintiff,

v.

WEAVER et al.,

Defendants.

CASE NO. 2:23-cv-01160-JCC-GJL

ORDER AFFIRMING DENIAL
(DKT. NO. 71) OF PLAINTIFF'S
MOTION FOR RECUSAL (DKT.
NO. 70)

This matter comes before the Court on the order (Dkt. No. 71) of United States Magistrate Judge Grady J. Leupold and United States District Judge John C. Coughenour declining to voluntarily recuse in response to Plaintiff's motion for recusal pursuant to 28 U.S.C. § 455(a). (Dkt. No. 70.)


Local Civil Rule 3(f) provides that whenever a judge in this District declines to voluntarily recuse themselves from a case following a party's motion to recuse pursuant to 28 U.S.C. § 144 or 28 U.S.C. § 455, "he or she will direct the clerk to refer the motion to the chief judge."

1 A judge must recuse herself “in any proceeding in which his impartiality might
2 reasonably be questioned.” 28 U.S.C. § 455(a); *see also Yagman v. Republic Ins.*, 987 F.2d 622,
3 626 (9th Cir. 1993) (“recusal is appropriate where ‘a reasonable person with knowledge of all the
4 facts would conclude that the judge’s impartiality might reasonably be questioned’”) (internal
5 citation omitted).

6 Plaintiff asserts Judges Coughenour and Leupold “ignore[d] and disregard[ed]”
7 Plaintiff’s filings, “intentionally” issued orders that caused Plaintiff irreparable harm, and
8 exhibited racism, bias, and ill will towards Plaintiff. (Dkt. No. 70 at 1–2.) To the extent Plaintiff
9 disagrees with the decisions of Judges Coughenour and Leupold, these prior adverse rulings are
10 not sufficient to show bias; rather, “prejudice must result from an extrajudicial source.” *Mayes v.*
11 *Leipziger*, 729 F.2d 605, 607 (9th Cir. 1984); *see also United States v. Azhocar*, 581 F.2d 735,
12 739 (9th Cir. 1978) (there is “no merit to [] claim[s] of bias based on adverse rulings”).

13 With respect to Plaintiff’s contention that a series of clerical errors and delayed service of
14 an Amended Report and Recommendation are indicative of bias, the Court finds Plaintiff was
15 able to present his arguments and that Judge Coughenour took reasonable steps to ensure he was
16 not prejudiced by these issues. (*See* Dkt. No. 71 at 2–4.) As for Plaintiff’s repeated contentions
17 regarding racism, Plaintiff has not presented any evidence that either judge exhibited racial
18 animus towards him. Accordingly, the Court AFFIRMS Judge Leupold and Judge Coughenour’s
19 denial (Dkt. No. 71) of Plaintiff’s motion for recusal. (Dkt. No. 70.)

20 Dated this 23rd day of April, 2024.

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David G. Estudillo
United States District Judge